

RESOLUTION NO. 74916

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO DETERMINE THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, TO AWARD THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT TAXIWAY W EXTENSION PHASE 1 PROJECT TO THE LOWEST RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$14,204,000, OR TO REJECT ALL BIDS AND RE-BID THE PROJECT

WHEREAS, City Council approved a multi-year funding strategy for major airfield improvement projects in the 2009-2013 Airport Capital Improvement Program; and

WHEREAS, one of the projects included in this program is the extension of Taxiway W; and

WHEREAS, the Federal Aviation Administration ("FAA") has indicated that Federal American Reinvestment and Recovery Act ("ARRA", also referred to as "Federal Stimulus") funding may be available for additional projects after mid June if projects are positioned to meet the requirements of the Federal Stimulus Program; and

WHEREAS, use of ARRA funds requires that the contract be awarded within 15 calendar days of the offer of an ARRA grant to the City by the FAA, and the issuance of a notice to proceed to the contractor within 30 calendar days of the grant offer to the City; and

WHEREAS, it is anticipated that the FAA will be in a position to make an ARRA grant offer in mid June; and

WHEREAS, bid opening is scheduled for May 21, 2009; and

WHEREAS, the City desires to authorize the Director of Public Works to award the Norman Y. Mineta San Jose International Airport Taxiway W Extension Phase 1 Project in order to meet time critical restraints required by the FAA Grants for the use of ARRA funds, subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

Subject to the conditions set forth below, the Director of Public Works is hereby authorized to determine the lowest responsive and responsible bidder, to award the Norman Y. Mineta San Jose International Airport Taxiway W Extension Phase 1 Project to the lowest responsive bidder, in an amount not to exceed \$14,204,000, or to reject all bids and re-bid the Project.

The specifications for the Project will include the following process regarding bid protests:

1. Bid results and a Notification of Intention to Award Contract to Apparent Low Bidder by the Director of Public Works will be posted on the Department of Public Works Bid Hotline.
2. All bidders will be e-mailed or faxed a copy of the Notification of Intention to Award Contract and will have 5 working days to file a formal written bid protest.

3. The Director of Public Works will then hear and decide any timely bid protests, including any issues of bidder responsiveness or responsibility and will award the contract after receipt of notice from the FAA that ARRA funding will be provided for the Project.

ADOPTED this 19th day of May, 2009, by the following vote:

AYES: CHU, CONSTANT, LICCARDO, NGUYEN, OLIVERIO,
PYLE, REED.

NOES: NONE.

ABSENT: CAMPOS, CHIRCO, HERRERA, KALRA.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk